

MEMORANDUM

CRF Safety Memorandum Notification

July 31, 2014

In August of 2013, Virginia's foster care records, funded through Title IV-E of the Social Security Act, were audited by the U.S. Department of Health & Human Services Children's Bureau. Although Virginia "passed" this review, there were financial penalties assessed due to our procedures and inability to clearly document compliance with federal safety requirements. Several of the children's residential facilities (CRF) licensed by Department of Behavioral Health & Developmental Services (DBHDS) and Virginia Department of Social Service were contacted at that time and asked to provide information. The facilities' actions substantially reduced our penalties and provided a good basis for a new process that will prevent future errors. Virginia's plan to correct our reporting processes will be implemented August 1, 2014. The new steps will meet federal requirements and provide a process for validating that the requirements were met. Failure to provide the required information will result in Virginia's inability to claim federal IV-E funds. An informational meeting will be scheduled by DBHDS and VDSS to explain the requirements and review the new process.

Beginning September 1, 2014, all CRFs, who accept placements of foster care children, will be required to maintain completed lists of employees on a state provided matrix. The matrix template is available in an electronic form on the DBHDS and VDSS websites. The matrix data fields include the dates for criminal records and central registry verification and should be completed by August 31, 2014 for a baseline. As new employees are hired and existing employees leave, the baseline matrix should be updated. The information on the matrix must be supported with copies of the Office of Background Investigation (OBI) criminal record background investigation verification and Central Registry findings verification for each person. This record should be maintained by the CRF. Licensing specialists will verify that the matrix is complete and that the safety requirements were met. ***Children placed in any facility, that does not have completed criminal record and central registry verification on all employees are not eligible to receive IV-E reimbursement.*** Per Code of Virginia, employment is allowed to begin without the results of central registry verification as long as the employee is not allowed to work alone with children. In the event that the central registry information is not immediately confirmed, in these situations, the facility will need to provide policy or written verification that those individuals were not allowed to work alone with children.

Any verification letter/form provided with a decision of "adequate information is unavailable" must be fully explained with written justification of reason for offering employment. If the facility is unable to provide the information on review, it will be reported to the VDSS Title IV-E Supervisor who will notify any local departments with placements to immediately end IV-E funding.

An electronic copy of the baseline matrix should be submitted by the facility personnel administrator or Human Resource Manager, to the Virginia Department of Social Services mailbox **CRF Confirmation@dss.virginia.gov**. On a quarterly basis an updated version should be placed in the facility files and a copy submitted to VDSS mailbox listed above. The matrix will be reviewed by the licensing

specialist during inspections. The information on the matrix, the OBI criminal background investigation letter and Central Registry Verification form will be reviewed to confirm the result of eligibility for employment. If the facility is unable to provide the information on review, it will be reported to the VDSS Title IV-E Supervisor and all local departments with placements will be notified. If VDSS is unable to certify the safety requirements are met then the placement is no longer eligible for IV-E funding.

In addition to the DBHDS and VDSS licensing specialist, State IV-E consultants will assist as needed to verify that safety requirements are met. IV-E visits, not made with a licensing specialist, will be announced and coordinated with the CRF. The goal is to provide oversight and verification that Virginia is ensuring that all safety requirements are met, children are not being placed in unsafe facilities and appropriate federal funds are claimed. Thank you for your understanding and support as we work together to ensure that Virginia is fully compliant with all state laws, guidance and federal requirements.